

Message Text

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TAGS: SHUM, PINT, CI
SUBJ: ARICA 12: GOC PUBLICIZES COURT ACTION

REF: SANTIAGO 065

1. THE GOC HAS TEMPORARILY BROKEN ITS NEWS BLACKOUT ON THE 12 PDCERS BANISHED TO THE NORTH TO PERMIT SANTIAGO PAPERS TO PUBLISH THE TEXT OF THE APPEALS COURT DECISION OF JANUARY 26 AND A GOC STATEMENT ON THAT DECISION. "EL MERCURIO" GOES SLIGHTLY FURTHER TO REPORT THAT ALL 12 ARE NOW LODGED IN THE SAME HOTEL IN ARICA, THAT THEY EAT THEIR MEALS TOGETHER, AND, EXCEPT FOR A DAILY REQUIREMENT TO SIGN IN AT THE CARABINERO STATION, ARE FREE TO TAKE LONG WALKS AND GO TO THE BEACH.

2. APPEALS COURT DECISION. THE COURT REJECTED BY A 2-1 VOTE THE REQUEST OF THE PDCERS' LAWYERS THAT THE BANISHMENT BE DECLARED INVALID BUT STIPULATED (ALSO BY A 2-1 MARGIN) THE GOC COULD ONLY BANISH PERSONS "FROM ONE DEPARTMENT TO ANOTHER" NOT TO SPECIFIC LOCATIONS WITHIN ANOTHER PROVINCE. ON THE FIRST ISSUE THE DISSENTING JUDGE (PAILLAS) SAID THAT CONSTITUTIONAL ACT NO. 3 GUARANTEES
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THE RIGHTS OF PERSONAL LIBERTY AND FREEDOM OF PEACEFUL ASSOCIATION EXCEPT WHEN SUSPENSION IS JUSTIFIED FOR REASONS OF NATIONAL SECURITY, BUT THAT THE MINISTRY OF INTERIOR HAD NOT SPECIFIED WHAT THE 12 PERSONS HAD DONE TO PROMPT SUCH A DETERMINATION. ON THE SECOND ISSUE THE DISSENTING JUDGE (FAUNDEZ VALLEJOS) ARGUED THAT THE GOVERNMENT HAD THE RIGHT TO DESIGNATE SPECIFIC LOCATIONS OF BANISHMENT SINCE THIS IS THE ONLY

WAY IN WHICH IT CAN MAKE SURE THAT THE PURPOSES FOR WHICH BANISHMENT WAS DECREED (UNDER STATE OF SIEGE POWERS) ARE ACHIEVED.

3. GOC STATEMENT. THE GOVERNMENT'S INFORMATION OFFICE PUT OUT A TWO PARAGRAPH STATEMENT FEBRUARY 1 SAYING THAT "IN CONFORMITY WITH ITS PERMANENT ATTITUDE OF TOTAL RESPECT FOR JUDICIAL DECISIONS": IT HAD NOTIFIED THE 12 OF THEIR RIGHT TO CHOOSE WHERE THEY WISHED TO RESIDE WITHIN THE PROVINCE OF ARICA; AND THAT ALL 12 HAD MOVED TO THE CITY OF ARICA JANUARY 27.

4. COMMENT: HAVING GONE ALONG WITH THE COURT'S MAJORITY RULING AND ALLOWED THE 12 TO MOVE TO THE CIVILIZED AMBIENCE OF ARICA, THE GOC IS UNDER LESS PRESSURE ON HUMANITARIAN GROUNDS TO TERMINATE THE BANISHMENTS. IT IS HOWEVER RATHER LUDICROUS THAT THE OSTENSIBLE REASON FOR THE BANISHMENTS, POLITICAL PALAVER AMONG THE 12, CAN NOW BE CONDUCTED ON A PERMANENT BASIS UNDER QUASI-GOVERNMENTAL AUSPICES.
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